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2006 OCT -6 P 4: 48

AZ CORP COMMISSION  
DOCUMENT CONTROL

Attorneys for Circle City Water Company, L.L.C.

**BEFORE THE ARIZONA CORPORATION COMMISSION**

IN THE MATTER OF THE APPLICATION  
OF CIRCLE CITY WATER COMPANY, LLC  
FOR APPROVAL OF A HOOK-UP FEE  
TARIFF.

DOCKET NO. W-03510A-05-0145

IN THE MATTER OF THE APPLICATION  
OF CIRCLE CITY WATER COMPANY, LLC  
FOR AN EXTENSION OF ITS EXISTING  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY FOR WATER SERVICE.

DOCKET NO. W-03510A-05-0146

**CIRCLE CITY WATER COMPANY'S  
NOTICE OF COMPLIANCE WITH  
DECISION NO. 68246**

Pursuant to Commission Decision No. 68246 (October 25, 2005), Circle City Water Company, L.L.C. ("Circle City") submits this Notice of Compliance in the above-captioned matter. Decision No. 68246 required Circle City to file with Docket Control its County franchise agreement for the extension area. Attached hereto as Exhibit 1 is a copy of Circle City's new County franchise, along with the April 19, 2006 meeting minutes of the Board of Supervisors.

DATED this 6<sup>th</sup> day of October, 2006.

FENNEMORE CRAIG, P.C.

Arizona Corporation Commission  
**DOCKETED**  
OCT -6 2006

DOCKETED BY NR

By: 

Jay L. Shapiro  
Patrick J. Black  
Attorneys for Circle City Water Company,  
L.L.C.

1 ORIGINAL and 15 copies filed this  
2 6<sup>th</sup> day of October, 2006:

3 Docket Control  
4 Arizona Corporation Commission  
5 1200 West Washington Street  
6 Phoenix, Arizona 85007

7 COPY delivered this 6<sup>th</sup> day of October, 2006:

8 Brian Bozzo  
9 Manager, Compliance and Enforcement  
10 Utilities Division  
11 Arizona Corporation Commission  
12 1200 West Washington Street  
13 Phoenix, AZ 85007

14 By: Maria San Jose

15 1842827.1/20496.003

# EXHIBIT

1

# **COUNTY OF MARICOPA**

*State of Arizona*

## **Office of the Clerk**

**Board of Supervisors**

*State of Arizona*                    )  
*County of Maricopa*            )

ss.

*I, Lori Pacini, Deputy Clerk of the Board of Supervisors, do hereby certify that the attached is a true and correct excerpt from the minutes of the meeting of the Board of Supervisors held on April 19, 2006:*

**CIRCLE CITY WATER CO., PUBLIC SERVICE FRANCHISE EXTENSION, APPROVED**

*(Attached)*



cc:     Circle City Water Co.  
         County Counsel  
         File (ADM F23200)

*IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the County of Maricopa. Done at Phoenix, the County Seat, on May 8, 2006.*

*Lori Pacini*

**Deputy Clerk of the Board of Supervisors**

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**April 19, 2006**

**PUBLIC HEARING – CIRCLE CITY WATER CO., PUBLIC UTILITY FRANCHISE**

Chairman Brock called for a public hearing to solicit comments on the application filed by Circle City Water Co., for a public service franchise extension to construct, maintain and operate water lines, etc., for a period of 25 years beginning December 11, 1996 or for a period of one year after the franchised area or a portion thereof is annexed by a municipality, whichever is shorter, for the supplying of this service along, upon, under and across public highways, roads, alleys and thoroughfares (excepting State highways) within that portion of Maricopa County, Arizona, known and described as follows, to-wit:

Being all of Sections 5, 6, 7, 8, 9, 17, 18 and a portion of Section 4, Township 6 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

BEGINNING at the Southwest corner of said Section 18, being a G.L.O. Brass Cap;

THENCE North 00 degrees 01 minutes 37 seconds East, along the West line of the Southwest quarter of said Section 18 a distance of 2640.12 feet to the West quarter corner of said Section 18, being a G.L.O. Brass Cap;

THENCE North 00 degrees 02 minutes 20 seconds West, along the West line of the Northwest quarter of said Section 18 a distance of 2639.18 feet to the Northwest corner of said Section 18, being a G.L.O. Brass Cap;

THENCE North 00 degrees 00 minutes 00 seconds East, along the West line of said Section 7, a distance of 5284.62 feet to the Northwest corner of said Section 7, being a G.L.O. Brass Cap;

THENCE North 00 degrees 07 minutes 21 seconds East, along the West line of the Southwest quarter of said section 6 a distance of 2640.71 feet to the West quarter corner of said Section 6, being a G.L.O. Brass Cap;

THENCE North 00 degrees 07 minutes 15 seconds West, along the West line of the Northwest Quarter of said Section 6 a distance of 2636.20 feet to the Northwest corner of said Section 6, being a G.L.O. Brass Cap;

THENCE South 89 degrees 55 minutes 08 seconds East, along the North line of the Northwest quarter of said Section 6 a distance of 2499.21 feet to the North quarter corner of said Section 6, being a G.L.O. Brass Cap;

THENCE South 89 degrees 10 minutes 12 seconds East, along the North line of the Northeast quarter of said Section 6 a distance of 498.80 feet to the South quarter corner of Section 31, Township 7 North Range 2 West, Being a G.L.O. Brass Cap;

THENCE North 89 degrees 50 minutes 21 seconds East, continuing along the North line of the Northeast quarter of said Section 6 a distance of 2140.66 feet to the Northeast corner of Section 6, being a G.L.O. Brass Cap;

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
April 19, 2006**

THENCE South 89 degrees 53 minutes 38 seconds East, along the North line of the Northwest quarter of said Section 5 a distance of 501.45 feet to the Southwest corner of said Section 32, Township 7 North, Range 2 West, being a G.L.O. Brass Cap;

THENCE South 89 degrees 54 minutes 32 seconds East, continuing along the North line of the Northwest quarter of said Section 5 a distance of 2148.21 feet to the North quarter corner of Section 5, being a G.L.O. Brass Cap;

THENCE North 89 degrees 07 minutes 14 seconds East, along the North line of the Northeast quarter of said Section 5 a distance of 499.67 feet to the South quarter corner of Section 32, Township 7 North, Range 2 West being a G.L.O. Brass Cap;

THENCE South 89 degrees 43 minutes 38 seconds East, continuing along the North line of the Northeast quarter of said Section 5 a distance of 2146.06 feet to the Northeast corner of said Section 5, being a G.L.O. Brass Cap;

THENCE North 89 degrees 58 minutes 03 seconds East, along the North line of the Northwest quarter of said Section 4 a distance of 497.01 feet to the Southwest corner of Section 33, Township 7 North, Range 2 West, being a G.L.O. Brass Cap;

THENCE South 89 degrees 57 minutes 12 seconds East, continuing along the North line of the Northwest quarter of said Section 5 a distance of 823.19 feet to the Northeast corner of G.L.O. Lot 4;

THENCE South 00 degrees 10 minutes 24 seconds East, along the East line of said Lot 4 a distance of 1352.71 feet to the Southeast corner of said Lot 4;

THENCE North 89 degrees 58 minutes 56 seconds East 2639.17 feet;

THENCE South 00 degrees 11 minutes 19 seconds East 660.77 feet;

THENCE North 89 degrees 57 minutes 42 seconds East 989.08 feet;

THENCE South 00 degrees 11 minutes 32 seconds East 660.42 feet;

THENCE North 89 degrees 56 minutes 29 seconds East 329.71 feet to the East quarter corner of said Section 4;

THENCE South 00 degrees 11 minutes 37 seconds East, along the East line of the Southeast quarter of said Section 4 a distance of 2641.22 feet to the Southeast corner of said Section 4, being a G.L.O. Brass Cap;

THENCE South 00 degrees 02 minutes 31 seconds West, along the East line of the Northeast quarter of said Section 9 a distance of 2636.26 feet to the East quarter corner of said Section 9, being a G.L.O. Brass Cap;

THENCE South 00 degrees 03 minutes 39 seconds West, along the East line of the Southeast quarter of said Section 9 a distance of 2635.65 feet to the Southeast corner of said Section 9, being a G.L.O. Brass Cap;

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**

**April 19, 2006**

THENCE North 89 degrees 55 minutes 39 seconds West, along the South line of the Southeast quarter of said Section 9 a distance of 2636.76 feet to the South quarter corner of Section 9, being a G.L.O. Brass Cap;

THENCE North 89 degrees 54 minutes 43 seconds West, along the South line of the Southwest quarter of said Section 9 a distance of 2639.18 feet to the Southwest corner of Section 9, being a G.L.O. Brass Cap;

THENCE South 00 degrees 10 minutes 03 seconds West, along the East line of the Northeast quarter of said Section 17 a distance of 2637.41 feet to the East quarter corner of said Section 17, being a G.L.O. Brass Cap;

THENCE South 00 degrees 10 minutes 03 seconds West, along the East line of the Southeast quarter of said Section 17 a distance of 2637.41 feet to the Southeast corner of Section 17, being a G.L.O. Brass Cap;

THENCE North 89 degrees 40 minutes 41 seconds West, along the South line of the Southeast quarter of said Section 17 a distance of 2638.22 feet to the South quarter corner of said Section 17, being a G.L.O. Brass Cap;

Thence North 89 degrees 54 minutes 18 seconds West, along the South line of the Southwest quarter of said Section 17 a distance of 2640.09 feet to the Southwest corner of Section 17, being a G.L.O. Brass Cap;

THENCE North 89 degrees 57 minutes 37 seconds West, along the South line of the Southeast quarter of said Section 18 a distance of 2640.12 feet to the South quarter corner of said Section 18, being a G.L.O. Brass Cap;

THENCE North 89 degrees 56 minutes 11 seconds West, along the South line of the Southwest quarter of said Section 18 a distance of 2514.54 feet to the Southwest corner of said Section 18 being the Point of Beginning.

**THE SOUTHEAST QUARTER OF SECTION 28 LEGAL DESCRIPTION**

The Southeast quarter of Section 28, Township 6 North, Range 3 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

BEGINNING at the Southeast corner of Section 28, monumented by a G.L.O. Brass Cap;

THENCE North 89 degrees 59 minutes 07 seconds West along the South line of the Southeast quarter of said Section 28, also being the basis of bearing, a distance of 2644.53 feet to the South quarter corner of Section 28 monumented by a G.L.O. Brass Cap;

THENCE North 00 degrees 01 minutes 21 seconds West along the North-South Mid-Section line of said Section 28 a distance of 2639.37 feet to the center of Section of said Section 28, monumented by a rebar with RLS 9087 Cap;

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**

**April 19, 2006**

THENCE North 89 degrees 58 minutes 37 seconds East along the East-West Mid-Section line a distance of 2644.57 feet to the East quarter corner of Section 28, monumented by a G.L.O. Brass Cap;

THENCE South 00 degrees 01 minutes 17 seconds East along the East line of the Southeast quarter of said Section 28 a distance of 2641.11 feet to the Southeast corner of Section 28, being the point of beginning;

No protests having been received and no one coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (3-0-2) to grant the said franchise extension as applied for and to impose such restrictions and limitations upon said applicant as to the use of such public highways, roads, alleys and thoroughfares as may be deemed best for the public safety and welfare and to include in such franchise the statutory provisions set forth in Title 40, Chapter 2, Article 4, A.R.S., 1956, requiring the grantee of said franchise to pay such expenses, damages and compensations, if any, as may result from the use and operation of said franchise and as in said statute specified. (F23200)



BEFORE THE BOARD OF SUPERVISORS

OF

MARICOPA COUNTY, STATE OF ARIZONA

IN THE MATTER OF THE APPLICATION OF )

Circle City Water Co. )

FRANCHISE )

\_\_\_\_\_  
FOR A FRANCHISE )

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, STATE OF ARIZONA, THAT:

WHEREAS, Circle City Water Co., hereinafter designated as the Grantee was granted the transfer of the public service franchise by the Maricopa County Board of Supervisors from Brooke Water L.L.C., on December 1, 1999; and

WHEREAS, Brooke Water, L.L.C., was granted the right, privilege, license and franchise to construct, maintain and operate a domestic water distribution system bearing date of December 11, 1996, for a period not to exceed twenty-five (25) years or for a period of one (1) year after the franchised area or a portion thereof is annexed by a municipality, whichever is shorter, for the supplying of this service, along, upon, under and across public highways, roads, alleys and thoroughfares (except State Highways); and

WHEREAS, Grantee doing business in Maricopa County, Arizona bearing date of January 3, 2006, praying for the right, privilege, license and franchise extension for an extension to a domestic water distribution system for a portion of Maricopa County, Arizona to provide a domestic water distribution system within that portion of Maricopa County, Arizona, known and described as follows, to-wit:

Being all of Sections 5, 6, 7, 8, 9, 17, 18 and a portion of Section 4, Township 6 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

BEGINNING at the Southwest corner of said Section 18, being a G.L.O. Brass Cap;

THENCE North 00 degrees 01 minutes 37 seconds East, along the West line of the Southwest quarter of said Section 18 a distance of 2640.12 feet to the West quarter corner of said Section 18, being a G.L.O. Brass Cap;

THENCE North 00 degrees 02 minutes 20 seconds West, along the West line of the Northwest quarter of said Section 18 a distance of 2639.18 feet to the Northwest corner of said Section 18, being a G.L.O. Brass Cap;

THENCE North 00 degrees 00 minutes 00 seconds East, along the West line of said Section 7, a distance of 5284.62 feet to the Northwest corner of said Section 7, being a G.L.O. Brass Cap;

THENCE North 00 degrees 07 minutes 21 seconds East, along the West line of the Southwest quarter of said section 6 a distance of 2640.71 feet to the West quarter corner of said Section 6, being a G.L.O. Brass Cap;

THENCE North 00 degrees 07 minutes 15 seconds West, along the West line of the Northwest Quarter of said Section 6 a distance of 2636.20 feet to the Northwest corner of said Section 6, being a G.L.O. Brass Cap;

THENCE South 89 degrees 55 minutes 08 seconds East, along the North line of the Northwest quarter of said Section 6 a distance of 2499.21 feet to the North quarter corner of said Section 6, being a G.L.O. Brass Cap;

THENCE South 89 degrees 10 minutes 12 seconds East, along the North line of the Northeast quarter of said Section 6 a distance of 498.80 feet to the South quarter corner of Section 31, Township 7 North Range 2 West, Being a G.L.O. Brass Cap;

THENCE North 89 degrees 50 minutes 21 seconds East, continuing along the North line of the Northeast quarter of said Section 6 a distance of 2140.66 feet to the Northeast corner of Section 6, being a G.L.O. Brass Cap;

THENCE South 89 degrees 53 minutes 38 seconds East, along the North line of the Northwest quarter of said Section 5 a distance of 501.45 feet to the Southwest corner of said Section 32, Township 7 North, Range 2 West, being a G.L.O. Brass Cap;

THENCE South 89 degrees 54 minutes 32 seconds East, continuing along the North line of the Northwest quarter of said Section 5 a distance of 2148.21 feet to the North quarter corner of Section 5, being a G.L.O. Brass Cap;

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THENCE North 89 degrees 56 minutes 11 seconds West, along the South line of the Southwest quarter of said Section 18 a distance of 2514.54 feet to the Southwest corner of said Section 18 being the Point of Beginning.

#### THE SOUTHEAST QUARTER OF SECTION 28 LEGAL DESCRIPTION

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THENCE South 00 degrees 01 minutes 17 seconds East along the East line of the Southeast quarter of said Section 28 a distance of 2641.11 feet to the Southeast corner of Section 28, being the point of beginning;

and not within the confines of any incorporated city or town, and under such restrictions and limitations and upon such terms as the Board of Supervisors may provide, not inconsistent with the laws of the State of Arizona, or the orders and rules of the Corporation commission of the State of Arizona, and that the Board take such proceedings herein as is provided by laws of the State of Arizona; and

WHEREAS, upon filing said application, the said Board of Supervisors on the 15<sup>th</sup> of March 2006 ordered that public notice of the intention of said Board to make such grants be given by publishing a notice in the official newspaper of Maricopa County, published in the County of Maricopa, State of Arizona, and that 9:00 a.m., on the 19<sup>th</sup> of April 2006, at the meeting room of said Board of Supervisors located at 205 West Jefferson Street, in the City of Phoenix, Arizona, be set as the time and place of hearing the said application; and

WHEREAS, the said application coming on regularly for hearing on said day and it appearing by the affidavit of the duly authorized agent of the said time and place set for the consideration of such application has been published for at least once a week for the three-week period prior to said date set forth herein, to-wit:

In the issues of the said newspaper on March 30, April 6, and April 13, 2006, and it appearing that no sufficient protest has been filed by the qualified electors of the said County petitioning said Board of Supervisors to deny such license and franchise, and it further appearing the best interests of Maricopa County will be served by the granting of said application and the franchise referred to therein;

NOW, THEREFORE, the Board of Supervisors of Maricopa County, State of Arizona, acting on behalf of said County does hereby grant unto Circle City Water Co., doing business in Maricopa County, Arizona, subject to the terms, conditions and limitations hereinafter contained, the right, privilege, license and franchise extension to construct, maintain and operate a domestic water distribution system, for a period of not to exceed twenty-five (25) years beginning December 11, 1996 or for a period of one (1) year after the franchised area is annexed by a municipality, whichever is shorter, for the supplying of this service along, upon, under and across the public highways, roads, alleys and thoroughfares (excepting State highways) within that portion of Maricopa County, Arizona, hereinabove described, under such restrictions and limitations and upon such terms as this Board at any time may provided, not inconsistent with the laws of the State of Arizona, or the orders and rules of the Corporation Commission of the State of Arizona, specifically providing, however, that:

- 1) All rights hereunder are granted under the express condition that the Board of Supervisors of said Maricopa County shall have the power at any time to impose such restrictions and limitations and to make such regulations on such highways, roads, and thoroughfares as may be deemed best for the public safety, health, welfare and convenience.
- 2) All rights hereby granted shall be exercised so as to not interfere or conflict with any easements or rights-of-way heretofore granted by said Board of Supervisors and now in force.

- 3) All rights hereby granted shall be exercised so as not to interfere or conflict with any easement, either public or private, of whatsoever nature, which has been acquired in or to the proper use of said highway, roads, and thoroughfares, or any portion thereof.
- 4) All rights hereby granted shall be exercised so as not to interfere or conflict with or endanger in any way the proper use by the public of said highways, roads, and thoroughfares, or any portion thereof.
- 5) That the said Grantee shall bear all expenses incurred including damages and compensation for the alteration of the course, direction, surface, grade or alignment of any of the said highways, roads and thoroughfares necessarily made by the said grantee for the purpose of this franchise; that said grantee will maintain his equipment from time to time as may be needed, without the necessity of notice from Maricopa County. In the event the said grantee shall fail to make any repairs within ten days from the time same becomes necessary, then Maricopa County may cause the same to be made, and said grantee agrees to pay Maricopa County the cost thereof.
- 6) That all property of the franchise be installed and operated by the said grantee and shall be placed, removed or relocated, initially and throughout the term of this franchise, along, in, over, under and across the said highway, roads and thoroughfares, in such a manner and location as the Board of Supervisors or its duly authorized agents may designate. Such placement, removal or relocation shall be done at the sole expense of the grantee upon a determination by the Board of Supervisors of Maricopa County that such placement, removal or relocation is necessary.

If the grantee fails or refuses to so remove or relocate, Maricopa County may so remove or relocate, at the sole expense of grantee, such expense to include any and all damages and compensation of whatsoever nature arising there from.

In this section the term "property" includes conduits, pipe, wires, poles, or other structures and appliances used to supply or deal in gas, electricity, lights, water, heat, refrigeration, power, telephones, telegraph, television and other public utilities.

Any finding or determination made by the Board of Supervisors pursuant hereto shall be final and binding upon the grantee whether or not such findings or determinations relates to the requirements of public safety or welfare, the use of public roads or the need for proposed improvements, and whether or not the function to be served by such removal or relocation is of a governmental or proprietary nature.

- 7) That said grantee shall indemnify and save harmless, the said County of Maricopa from all costs, expense and liabilities in connection with the granting of this franchise and exercise of the same by them.
- 8) That the rights of any person claiming to be injured in any manner by the maintenance of said projects and equipment shall not be affected hereby.
- 9) That the terms and conditions of this franchise extension shall inure to the benefit of, and be binding upon, all the heirs and assigns of the said Grantee.
- 10) That the franchise extension and privilege herein granted shall not be deemed to be exclusive and the said Board of Supervisors hereby

expressly reserves the right and power to grant from time to time similar franchises and privileges over the same territory and highways, roads and thoroughfares.

- 11) This franchise extension is granted upon the express condition that the Certificate of Convenience and Necessity be procured from the Corporation Commission of the State of Arizona and the Certificate of Assured Water Supply be procured from the Arizona Department of Water Resources and proof thereof submitted to the Board of Supervisors within six months from the date of granting of this franchise extension; and if such Certificates are not granted within six months from said date, then this franchise extension to be void, otherwise to be in full force and effect for the time herein specified.
- 12) This franchise extension is granted upon the express condition that all of the Property Tax obligations of the franchisee shall remain current and if such taxes are not current, then this franchise extension is deemed void.
- 13) All materials and construction methods used with the public right-of-way shall conform to the applicable standards, specifications and special provisions currently in effect in Maricopa County.
- 14) The Franchise holder shall obtain a construction permit from the Office of the County Engineer prior to construction of any facilities in the public right-of-way.

DATED this 19<sup>th</sup> day of April 2006.

  
Chairman, Board of Supervisors

ATTEST:

  
Clerk, Board of Supervisors